

## **REMARKS/ARGUMENTS**

Claims 1-5 and 21-27 are now pending in the present application. Claims 7-11, 13-17 and 19 have been cancelled herewith. Consideration of the pending claims is respectfully requested.

Applicants have cancelled Claims 7-11, 13-17 and 19 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

### **I. 35 U.S.C. § 102, Anticipation**

Claims 1, 3-5, 7, 9-11, 13, 15-17 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kartoz (U.S. Patent No. 7,024,547), hereinafter “Kartoz”. This rejection is respectfully traversed.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicants will now show that every element recited in Claim 1 – including (i) a conditional moving operation, and (ii) details of device configuration data that is maintained in a table – is not identically shown in the cited Kartoz reference and thus Claim 1 has been erroneously rejected under 35 U.S.C. § 102.

The present invention is generally directed to techniques to efficiently determine and process device configuration information in a data processing system. Such efficiency is achieved both in time (reduced time for determining configuration) and in space (reduced storage requirements for maintaining configuration code). A two-pronged approach is used – an initial discovery phase and a rediscovery phase - and due to the unique architecture, *the same configuration code is operable in performing both of these different phases of device configuration* – with such code re-use capability being made possible by unique memory management operations where configuration data is conditionally moved from one memory location to another memory location under certain conditions (a match) and configuration data is read from a device to the another memory location under certain other conditions (no match). In the initial discovery phase, device configuration information is read from the devices (initial device ID) and maintained in a memory region (stored device ID) for subsequent use. In the rediscovery phase, a table is used to access unique device identification information from the devices (current device ID) and compared with unique device identification information maintained in the memory as per the initial

discovery phase (stored device ID). *If a match exists between the current device ID and the stored device ID, the stored device ID is moved to another memory/region (moved device ID) such that the previously read device ID (stored device ID) is no longer present in the first memory region* (Specification page 13, first two paragraphs). This moving of the device ID to another memory region facilitates use of the same configuration code for both phases (discovery and rediscovery), as one phase (discovery phase) uses one memory region (buffer memory region 1 of Figure 4) to facilitate the configuration process, whereas the other phase (rediscovery phase) uses the other memory region (temporary memory region 3 of Figure 4) to temporarily store configuration data such that the first memory region can be re-used during completion of the rediscovery phase to facilitate the configuration process (Specification page 14, first paragraph). The teachings of the cited reference do not contemplate such memory usage and associated data relocation, which advantageously allows for re-using the same configuration code for both phases (discovery and rediscovery), thereby reducing the requisite amount of firmware code, and its associated (memory/storage) space (Specification page 14, lines 8-12; page 20, lines 6-13 and lines 27-30), in addition to reducing the overall time required to determine configuration information for the devices in the data processing system.

Specifically with respect to Claim 1, such claim recites “moving configuration data to a memory for devices in the set of devices in which a match exists between the identified unique identification information and the previously identified unique identification information for devices”. As can be seen, *when a match exists between the identified unique identification information and the previously identified unique identification information for a device, configuration data for such device is moved to a memory*. In rejecting this aspect of Claim 1, the Examiner states that this moving of configuration data is taught by the cited Kartoz reference since such reference teaches at col. 4, line 64 – col. 5, line 4:

“if the reference identification data of the device **match**, the system *uses* the reference initialization data to initialize the device”(emphasis added by Applicants)

Applicants respectfully submit that this *use* of reference initialization data to initialize a device, as described by the cited reference, does not teach any type of ‘moving’ operation<sup>1</sup> where *configuration data for a device is conditionally moved to a memory* if a match exists between the identified unique identification information and the previously identified unique identification information for devices, as per the features of Claim 1.<sup>2</sup> Importantly, Kartoz is keen on NOT performing additional operations if a

<sup>1</sup> Move: to change from one place or position to another. Source dictionary.com.

<sup>2</sup> During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). This means that the words of the claim must be given their **plain meaning** unless the plain meaning is inconsistent with the

match occurs (Kartoz col. 5, lines 1-4), instead merely *using* reference data previously acquired during a previous boot procedure (Kartoz col. 4, lines 5-8). Thus, in addition to not being anticipated, it is further urged that Claim 1 is not obvious in view of the cited reference as a person of ordinary skill in the art would not have been motivated to conditionally perform data move operations in response to a match that Kartoz disdains.

In addition, per Claim 1 this configuration data is moved to a different item (memory) than the item for which the configuration data pertains to (matching device), due to the fact that 'device' and 'memory' are both used in Claim 1, and thus configuration information for one item (the matching device) is moved to another item (the memory). In contrast, this cited Kartoz passage describes using reference initialization data for a device to *initialize the same device*. Thus, not only is there no teaching of *moving* configuration data upon occurrence of a match, there is also no teaching of moving configuration data associated with one item (a matching device) to another item (a memory). Therefore, there are at least two claimed features that are not identically shown in the cited reference. First, the cited reference does not teach *moving* of configuration data upon occurrence of a device match. Second, the cited reference does not teach moving configuration data to *a different item* (a memory) that was not the subject of the 'match' determination (a device), but instead teaches that the same item (memory device) is initialized when this same item (memory device) is 'matched'. Thus, both (1) the 'operation' performed ('using' per the cited reference versus 'moving' per Claim 1) and (2) the item/thing that the operation is performed upon (the same device as what was 'matched' per the teachings of the cited reference, versus a different item/thing (a memory) from what was 'matched' per Claim 1) are different between what is recited in Claim 1 and what is taught by the cited reference. Accordingly, as every element is not identically shown in a single reference, it is urged that Claim 1 is not anticipated by the cited reference.

As described above in the introductory overview, this moving of configuration data (such movement being from area 1 to area 3 in the preferred embodiment, as described at Specification page 16, lines 25-29 and depicted in Figure 4) allows for a temporary relocation of the configuration data to a temporary storage area so the source area can be re-used during the rediscovery process (Specification page 16, lines 6-8), which advantageously facilitates use of the configuration code for both the discovery phase as well as the rediscovery phase (Specification page 14, lines 8-12; page 20, lines 6-13 and lines 27-30), in that the first memory region (area 1) is effectively re-initialized at the end of this device match processing due in-part to such moving (Specification page 17, lines 7-10), thereby allowing the first

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specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are **construed to mean exactly what they say**. MPEP 2111.01(I) (emphasis added by Applicants). The Examiner is not interpreting the claim terms in accordance with their normal, plain meaning.

memory region to be used as if it were in an initialized state during the remainder of the rediscovery phase (Specification page 17, lines 11-25) – and thus allowing for re-use of the discovery code during both discovery phases. The cited reference does not teach (or otherwise suggest) these claimed features or their resulting advantages. Therefore, it is urged that Claim 1 has been erroneously rejected under 35 U.S.C. § 102, as there are at least two claimed features that are not identically shown in the cited reference.

Further with respect to Claim 1, such claim recites “wherein the previously identified unique identification information is accessed using a table associated with the configuration data for the set of devices, wherein the table comprises (i) an index used to locate particular configuration data for a particular device, (ii) information used to address the particular device, and (iii) an offset to a memory location within the particular device at which particular unique identifier information for the particular device is stored”. As can be seen, a table associated with configuration data for the set of devices is used to access the *previously identified unique identification information*, with this table comprising (1) an index used to locate particular configuration data for a particular device, (2) information used to address the particular device, and (3) an offset to a memory location within the particular device at which particular unique identifier information for the particular device is stored. It is urged that the table that is alleged to be taught by the cited Kartoz reference does not include each of these three (3) explicitly enumerated items - and these three (3) enumerated items advantageously facilitate access to particular parameters within the devices such as configuration data and unique identifier information for such devices (Specification page 15, bottom – page 16, top). In contrast, the alleged Kartoz table (per the cited teachings of Kartoz at col. 4, lines 44-55) includes parameters that are used to *initialize* a device (Kartoz col. 4, lines 49-51) and reference identification data that is used to determine whether the memory configuration has changed (Kartoz col. 4, lines 52-55). None of this data pertains to (i) an index used to locate particular configuration data for a particular device, (ii) information used to address the particular device, and (iii) an offset to a memory location within the particular device at which particular unique identifier information for the particular device is stored.

Importantly, *the Examiner themselves admits that the table information is different between what is claimed and what is taught by the cited Kartoz reference<sup>3</sup>*, and thus the Examiner in essence admits that every element recited in Claim 1 is not identically shown in a single reference – and therefore Kartoz does not satisfy the all-elements-rule that must be complied with to make a proper 35 U.S.C. § 102 rejection. Thus, it is further shown that Claim 1 is not anticipated by the cited reference, and has thus been erroneously rejected 35 U.S.C. § 102, as there are additional claimed elements that are not identically shown in a single reference.

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<sup>3</sup> See, e.g., page 7, last line – page 8, first line of the present Office Action dated January 10, 2008.

Applicants traverse the rejection of Claims 3-5 for reasons given above with respect to Claim 1 (of which Claims 3-5 depend upon).

Claims 7, 9-11, 13-17 and 19 have been cancelled herewith, without prejudice or disclaimer, as previously described hereinabove.

Therefore, the rejection of Claims 1, 3-5, 7, 9-11, 13, 15-17 and 19 under 35 U.S.C. § 102(e) has been overcome.

## **II. 35 U.S.C. § 103, Obviousness**

Claims 2, 8 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kartoz in view of Zintel (U.S. Patent No. 6,779,004), hereinafter “Zintel”. This rejection is respectfully traversed.

Applicants initially traverse the rejection of Claim 2 for similar reasons to those given above with respect to Claim 1, as the newly cited Zintel reference does not overcome the teaching deficiencies identified hereinabove.

Further with respect to Claim 2, such claim recites “wherein the memory is a temporary random access memory comprising an area for maintaining the previously identified unique identification information and another area for maintaining the moved configuration data while the obtaining configuration information is being performed”. As can be seen, the memory has two distinct areas – (1) an area for maintaining the previously identified unique identification information, and (2) another area for maintaining the moved configuration data while the obtaining configuration information is being performed. It is urged that none of the cited references teach or suggest a memory having these two distinct areas – one area for maintaining previously identified information and another area for maintaining the *moved configuration data while the obtaining configuration information is being performed*. In rejecting Claim 2, the Examiner merely alleges that Zintel discloses ‘system for auto-configuring of peripherals that stores unique device identifier *in random access memory*’. The Examiner fails to address or allege any teaching or suggestion that the cited references describe the particular memory configuration recited in Claim 2,<sup>4</sup> and therefore Claim 2 has been erroneously rejected as a proper prima facie showing of obviousness has not been established.<sup>5</sup>

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<sup>4</sup> Curiously, the Examiner himself admits that this combination does not teach or suggest the different area features of Claim 2 (see, e.g., page 7, lines 1-3 of the present Office Action dated January 10, 2008).

<sup>5</sup> In rejecting claims under 35 U.S.C. Section 103, the Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). To establish prima facie obviousness of a claimed invention, *all of the claim limitations must be taught or suggested by the prior art*. MPEP 2143.03. See also, *In re Royka*, 490 F.2d 580 (C.C.P.A. 1974). If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Claims 8 and 14 have been cancelled herewith, without prejudice or disclaimer, as previously described hereinabove.

Therefore, the rejection of Claims 2, 8 and 14 under 35 U.S.C. § 103 has been overcome.

### **III. 35 U.S.C. § 103, Obviousness**

Claims 2, 8 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kartoz in view of Zintel and further in view of Krejsa (U.S. Publication No. 2004/0107329 A1), hereinafter “Krejsa”. This rejection is respectfully traversed.

Applicants initially traverse the rejection of Claim 2 for similar reasons to those given above with respect to Claim 1, as the newly cited Zintel and Krejsa references do not overcome the teaching deficiencies identified hereinabove.

Further with respect to Claim 2, such claim recites “wherein the memory is a temporary random access memory comprising an area for maintaining the previously identified unique identification information and another area for maintaining the moved configuration data while the obtaining configuration information is being performed”. As can be seen, the memory has two distinct areas – (1) an area for maintaining the previously identified unique identification information, and (2) another area for maintaining the moved configuration data while the obtaining configuration information is being performed. It is urged that none of the cited references teach or suggest a memory having these two distinct areas – one area for maintaining previously identified information and another area for maintaining the *moved configuration data while the obtaining configuration information is being performed*. In rejecting Claim 2, the Examiner acknowledges that neither Kartoz nor Zintel teach such memory configuration. However, the Examiner alleges that Krejsa teaches a system for partitioning memory into different regions and having index corresponding to pluralities of entries in the initialization table. Importantly, the Examiner fails to address the particular details recited in Claim 2 that pertain to the two memory areas - (1) an area for maintaining the previously identified unique identification information, and (2) another area for *maintaining the moved configuration data while the obtaining configuration information is being performed*. Because none of the references teach or suggest moving configuration data while obtaining configuration information, it logically follows that there is no teaching of a memory area for maintaining such (missing) moved data, as per the features of Claim 2. Again, this moving of data advantageously allows for re-use of discovery code during two distinct discovery operations. Thus, it is further urged that Claim 2 has been erroneously rejected due to this additional prima facie obviousness deficiency.

Claims 8 and 14 have been cancelled herewith, without prejudice or disclaimer, as previously described hereinabove.

Therefore, the rejection of Claims 2, 8 and 14 under 35 U.S.C. § 103 has been overcome.

**IV. Newly Added Claims**

Claims 21-27 have been added herewith. Examination of such claims is respectfully requested.

**V. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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